

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36444 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- KAMTAUL District- Darbhanga

1. DILIP MAHTO @ DILIP KUMAR MAHTO Son of Sukhdeo Mahto Resident of village - Bajitpur, P.S.- Kamtaul, District - Darbhanga.
2. Ram Dayal Mahto Son of Sukhdeo Mahto Resident of village - Bajitpur, P.S.- Kamtaul, District - Darbhanga.
3. Shiv Kumar Mahto Son of Sukhdeo Mahto Resident of village - Bajitpur, P.S.- Kamtaul, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 448, 354(B), 379, 506 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that her husband works in Arab and she along with her children resides at home, further on 19.02.2022 while she was sleeping, she heard Sangeeta Devi crying accordingly went to



her room and saw that Santosh had disrobed her, thereafter he was apprehended by female members of the house, it is next alleged that thereafter the accused persons came and Shiv Kumar assaulted Sangeeta with an iron rod causing injury on neck and shoulder, Ramdayal assaulted Sangeeta with *lathi* on thigh, Dilip assaulted her mother-in-law with *lathi* on arm, thereafter Basudeo Mahto assaulted other family members, it is next alleged that Shankar, Shambhu and Sanjeet also assaulted her and took Santosh with him and Jeebach took cash Rs. 10,000/-

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted it has been specifically pleaded at paragraph '11' of the anticipatory bail application that there is no injury report on record, it is also submitted that even presuming what has been alleged is true without admitting then the allegation of assault is not on vital part of the body, it is further submitted that Sangeeta and Santosh were in love and when the informant came to know about the same, then the present false case came to be instituted.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.



Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kamtaul P.S. Case No. 55 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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